

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 921

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO CRIME STOPPERS; CREATING THE CRIME STOPPERS
ADVISORY COUNCIL; PROVIDING FOR CONFIDENTIALITY OF RECORDS AND
IMMUNITY; IMPOSING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Crime Stoppers Act".

Section 2. ADVISORY COUNCIL--COMPOSITION--VACANCIES--
PAYMENT.--

A. The "crime stoppers advisory council" is
created. The council shall consist of five members from local
crime stoppers programs, four of whom shall be from the four
quadrants of the state and one from Albuquerque. All members
of the council shall be appointed by the governor for two-year
terms.

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. A vacancy on the council shall be filled by
2 gubernatorial appointment for the remainder of the unexpired
3 term. A vacancy on the council shall not impair the right of
4 the remaining members to exercise all the powers and duties of
5 the council.

6 C. Members of the council shall receive per diem
7 and mileage as provided in the Per Diem and Mileage Act and
8 shall receive no other compensation or allowance.

9 Section 3. POWERS AND DUTIES OF ADVISORY COUNCIL. --

10 A. The powers and duties of the crime stoppers
11 advisory council are to:

12 (1) advise and assist in the creation and
13 maintenance of local crime stoppers programs;

14 (2) certify local crime stoppers programs for
15 the purposes of confidentiality of records, privileges and
16 immunities set forth in the Crime Stoppers Act;

17 (3) encourage the media to promote the
18 functions of local crime stoppers programs; and

19 (4) facilitate training for local crime
20 stoppers programs.

21 B. The council shall not take part in the receipt
22 of reports or tips regarding criminal activity.

23 Section 4. CONFIDENTIALITY OF RECORDS. --

24 A. Evidence of a communication between a person
25 submitting a report to a local crime stoppers program and the

underscored material = new
[bracketed material] = delete

1 person accepting the report on behalf of the program is not
2 admissible in a court or an administrative proceeding, except
3 as provided in Subsection B of this section.

4 B. Records and reports of a local crime stoppers
5 program are confidential and shall not be produced before a
6 court or other tribunal, except on a motion by:

7 (1) a criminal defendant claiming that a
8 record or report contains specific evidence that is exculpatory
9 to the defendant on trial for that offense; or

10 (2) a person in civil court who has been
11 exonerated of a criminal charge that was filed as a result of a
12 report to a local crime stoppers program, and denial of access
13 to a record or report would leave the person without the
14 ability to offer prima facie proof that a legal injury was
15 suffered through the wrongful acts of another.

16 C. Upon motion made pursuant to Subsection B of
17 this section, a court may subpoena a record or report, but
18 shall conduct an in camera inspection of the materials produced
19 to determine whether there is evidence as alleged to warrant
20 disclosure pursuant to Subsection B of this section. If the
21 court finds such evidence, the court shall determine how much
22 of the evidence to disclose and whether the identity of the
23 person who submitted the report to the local crime stoppers
24 program must be disclosed.

25 D. The court shall protect the identity of a person

underscored material = new
[bracketed material] = delete

1 who submits a report to a local crime stoppers program as it
2 would protect the identity of a confidential police informer.

3 E. A local crime stoppers program shall be
4 certified by the crime stoppers advisory council before it can
5 claim confidentiality under this section.

6 Section 5. CONFIDENTIALITY--PENALTY.--

7 A. It is unlawful for any member, officer or
8 employee of a local crime stoppers program to reveal to an
9 individual, other than the proper law enforcement agencies:

10 (1) information gained through the program
11 relating to criminal activity; or

12 (2) the contents of records and reports that
13 are confidential.

14 B. A person who violates Subsection A of this
15 section is guilty of a misdemeanor and shall be sentenced in
16 accordance with Section 31-19-1 NMSA 1978.

17 Section 6. IMMUNITY FROM LIABILITY.--A person who in good
18 faith communicates a report of criminal activity to a crime
19 stoppers program or who in good faith receives, forwards or
20 acts upon such a report is immune from civil liability for any
21 act or omission resulting in the arrest, filing of criminal
22 charges or trial of a person who is later exonerated or
23 acquitted of a criminal charge.